

# Texting and Driving Laws



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# Texting and Driving Laws

**NDCC 39-08-23 (August 2011)**

**Use of Wireless Device Prohibited**

- City of Fargo works to adopt ordinance
- Fargo PD Enforcement - - limitation

**Fargo Municipal Ordinance  
08-0321 (December 2011)**



# Texting and Driving Laws

## 8-0321. Use of a wireless communication device prohibited. –

- A. The operator of a motor vehicle that is part of traffic may not use a wireless communication device to compose, read or send an electronic message.
- B. The following definitions shall apply to the interpretation and enforcement of this ordinance:
  - 1. “Electronic message” means a self-contained piece of digital communication that is designed or intended to be transmitted between physical devices. The term includes e-mail, a text message, an instant message, a command or request to access a World Wide Web page, or other data that uses a commonly recognized electronic communications protocol. The term does not include:
    - a. Reading, selecting, or entering a telephone number, an extension number, or voice mail retrieval codes and commands into an electronic device for the purpose of initiating or receiving a telephone or cellular phone call or using voice commands to initiate or receive a telephone or cellular phone call;
    - b. Inputting, selecting, or reading information on a global positioning system device or other navigation system device;
    - c. Using a device capable of performing multiple functions, such as fleet management systems, dispatching devices, smart phones, citizen band radios, music players, or similar devices, for a purpose that is not otherwise prohibited;
    - d. Voice or other data transmitted as a result of making a telephone or cellular phone call; or
    - e. Data transmitted automatically by a wireless communication device without direct initiation by an individual.

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2. “Traffic” means operation of a motor vehicle while in motion or for the purposes of travel on any street or highway and includes a temporary stop or halt of motion, such as at an official traffic-control signal or sign. The term does not include a motor vehicle that is lawfully parked.

C. This section does not apply if a wireless communication device is used for obtaining emergency assistance to report a traffic accident, medical emergency, or serious traffic hazard or to prevent a crime about to be committed, in the reasonable belief that an individual’s life or safety is in immediate danger, or in an authorized emergency vehicle while in the performance of official duties.

## Section 2. Penalty.

A person who willfully violates this ordinance is guilty of a non-criminal offense and shall pay a fee of \$100.00. Every person, firm or corporation violating an ordinance for which a fee is required shall be deemed to have committed an offense and shall pay a fee as herein provided.

- This is identical to NDCC
- Initial concerns - wording

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## Since the Fargo Ordinance Enacted in Dec 2011

- Fargo Officers have issued 20 citations
  - 3 citations went unpaid which resulted in DL suspension
  - 2 brought citation to trials – found guilty
  - 15 paid without contesting citation
  - 1955-1990 (majority of ages in 1980-90)



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## Future Enforcement Plans - Details

- Targeted Blitzes @ Intersections
- Creative Enforcement Tactics
  - Bike
  - Motorcycle
  - Unmarked Vehicles
- Media Driven Campaigns
- Use with other State wide campaigns



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Thank you!

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